

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

DONJON-SMIT, LLC,

Plaintiff,

vs.

**ADMIRAL KARL L. SCHULTZ, CAPTAIN
JOHN W. REED, COMMANDER NORM C.
WITT, and COMMANDER MATTHEW J.
BAER, in their official capacity as Officers of
the UNITED STATES COAST GUARD,**

Defendants.

**CIVIL ACTION NO:
2:20-CV-00011-LGW-BWC**

MOTION TO RESCHEDULE HEARING

COMES NOW the Plaintiff, **DonJon-Smit, LLC**, in the above captioned matter and hereby files its Motion to Reschedule Hearing as follows:

1. The above matter was initiated by the undersigned counsel, on behalf of Plaintiff, by e-filing initial pleadings on the evening of Thursday, February 13, 2020.
2. On Friday, February 14, 2020, out of an abundance of caution, Plaintiff's counsel contacted the Court's administrative assistant (Laurie) and specifically inquired of the timing of any hearing on Plaintiff's motion.
3. The Court's administrative assistant advised that the Court would not schedule a hearing "next week" as the Court had a trial setting, and we should expect that the Court would schedule the hearing for the following week. The undersigned counsel advised the Court's administrative clerk that he was out of the country (Europe) on business until the evening of February 21, 2020 and would need some advance notice if the Court were to set a hearing prior to the date of his return. Additionally, the undersigned advised the Court's

administrative assistant that witnesses necessary for the hearing are located in multiple states and co-counsel is located out of state.

4. At 9:21 a.m., this morning, the undersigned received notice from the Court via email that a “notice of hearing has just been docketed in this case for 10:00 a.m. tomorrow morning.” See email from Whitney Sharp to counsel of record.
5. The undersigned counsel immediately contacted the Court about the scheduled hearing and asked whether the Court was aware of the undersigned’s prior telephone conference with the Court’s administrative assistant.
6. The undersigned presently has meetings scheduled in Geneva for tomorrow, February 19, 2020, and additional meetings in Berlin, Germany for February 20, 2020. Upon learning of the scheduled hearing, the undersigned took steps to cancel the referenced meetings.
7. Plaintiff hereby requests that the Court postpone the hearing schedule for Wednesday, February 19, 2020, 10:00 a.m., and reschedule the hearing for Friday, February 21, 2020, at no earlier than 10:00 a.m.
8. Setting the hearing for Friday, February 21, 2020 will enable counsel for Plaintiff to return to the United States and, further, will enable Plaintiff’s representatives and witnesses to travel to Brunswick, Georgia to participate in the hearing.
9. The undersigned counsel has conferred with counsel for Defendants’ counsel and is authorized to represent to the Court that :
 - a. Defendants’ counsel has no objection to this request to reschedule the hearing until on or after Friday, February 21, 2020, provided that Defendants may be afforded an additional 24 hours to file any further response to the motion.

- b. the parties jointly request that deadlines for filing additional responses, initially set for 4:00 p.m., today, February 18, 2020, are hereby extended until 4:00 p.m., tomorrow, February 19, 2020.

10. Therefore, the undersigned respectfully requests that the Court postpone the hearing, scheduled for tomorrow morning, and reset the hearing for Friday, February 21, 2020, 10:00 a.m., or thereafter.

This 18th day of February 2020.

Respectfully submitted,

**TAYLOR, ODACHOWSKI, SCHMIDT &
CROSSLAND, LLC**

/s/ Joseph R. Odachowski

Joseph Odachowski

Georgia State Bar No: 549470

Attorney for Plaintiff DonJon-Smit, LLC

300 Oak Street, Suite 200
St. Simons Island, GA 31522
(912) 634-0955 – Telephone
(912) 638-9739 – Facsimile
jodachowski@tosclaw.com

**OF COUNSEL:
CLARK HILL PLC**

/s/ Garney Griggs

Garney Griggs

Texas State Bar No: 08491000

Clifford Bowie Husted

Texas State Bar No: 00796803

909 Fannin, Suite 2300

Houston, TX 77010

(713) 951-5600 – Telephone

(713) 951-5660 – Facsimile

ggriggs@clarkhill.com

hustedc@clarkhill.com

**ATTORNEYS FOR PLAINTIFF
DONJON-SMIT, LLC**

CERTIFICATE OF SERVICE

This hereby certifies that on this day, I electronically filed the *Plaintiff's Motion to Reschedule Hearing* with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

Martha C. Mann, Esq.
UNITED STATES DEPARTMENT OF JUSTICE
Environmental & Natural Resources
Division
Post Office Box 7611
Washington, DC 20044
Martha.mann@usdoj.gov

Bradford C. Patrick, Esq
ASSISTANT UNITED STATES ATTORNEY
Post Office Box 8970
Savannah, Georgia 31412
Bradford.patrick@usdoj.gov

Attorneys for Defendants

This 18th day of February 2020.

**TAYLOR, ODACHOWSKI, SCHMIDT &
CROSSLAND, LLC**

/s/ Joseph R. Odachowski

Joseph Odachowski

Georgia State Bar No: 549470

300 Oak Street, Suite 200
St. Simons Island, GA 31522
(912) 634-0955 – Telephone
(912) 638-9739 – Facsimile
jodachowski@tosclaw.com

**ATTORNEYS FOR PLAINTIFF
DONJON-SMIT, LLC**

**OF COUNSEL:
CLARK HILL PLC**

/s/ Garney Griggs

Garney Griggs

Texas State Bar No: 08491000

Clifford Bowie Husted

Texas State Bar No: 00796803

909 Fannin, Suite 2300

Houston, TX 77010

(713) 951-5600 – Telephone

(713) 951-5660 – Facsimile

ggriggs@clarkhill.com

hustedc@clarkhill.com

**ATTORNEYS FOR PLAINTIFF
DONJON-SMIT, LLC**